

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND SECTION 130-83(a)  
OF THE CITY'S CODE OF ORDINANCES TO  
REFLECT THE CURRENT PRACTICE OF ANNUAL  
BILLING FOR SOLID WASTE SERVICE; TO  
AUTHORIZE THE ASSESSMENT OF PRORATED  
SOLID WASTE SERVICE FEES FOR PROPERTIES  
THAT BEGIN SERVICE SUBSEQUENT TO THE  
ASSESSMENT OF ANNUAL BILLS; AND FOR  
OTHER PURPOSES.**

**WHEREAS**, Section 130-83(a) of the Code of Ordinances of the City of Atlanta provides that the assessment and collection of solid waste service charges shall be made on a quarterly basis with the first installment due and payable on January 1; and

**WHEREAS**, the City's current solid waste bills are issued by the Fulton and DeKalb County Tax Commissioners, under agreements wherein the tax commissioners bill on an annual basis rather than on a quarterly basis, requiring a corrective revision of Section 130-83(a) of the Code; and

**WHEREAS**, the solid waste service charges for properties that begin service after the assessment of annual bills are not realized until the next years' annual assessment causing the revenues and expenses of the solid waste enterprise fund to be mis-matched; and

**WHEREAS**, the assessment of prorated fees for properties that begin service after the assessment of annual bills will allow the solid waste enterprise fund to more accurately reflect revenues and expenses.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS** as follows:

**SECTION 1:** That subsection (a) of Section 130-83 of The Code of Ordinances of the City of Atlanta Georgia is hereby amended to read as follows:

- (a) *Solid waste service charge.*
  - (1) The assessment of solid waste service charges as set forth in this division shall be made by the city and collection of the assessments may be undertaken by the city or through intergovernmental agreements or contracts with private entities as approved by applicable law.
  - (2) The assessment of solid waste charges shall be made on July 1 of each year at the rates then in place and such assessment shall be for twelve months of service and shall

be payable not more than 90 days from the date of mailing of the assessment.

- (3) All assessments paid after the due date shall bear interest at the rate of 1 percent per month from the date the assessment is due until the date the assessment is paid. For the purposes of this subsection, any period of less than one month shall be considered to be one month.

- (4) Assessments for properties beginning service after January 1 shall be charged a prorated fee based on the number of days between the date that service begins and the date of the next annual assessment. The due date of such prorated assessments shall be the later of 90 days from the date that service begins or 90 days from the date of mailing of the prorated assessment. All prorated assessments paid after the due date shall bear interest at the same rate as annual assessments.

**SECTION 2:** It is specifically intended that all other sub-sections of Section 130-83 shall continue to operate as presently codified and are unaffected by this ordinance.

**SECTION 3:** The assessment of interest on late payments is authorized by O.C.G.A. § 12-8-39.3 and in that the assessment of interest can be avoided by timely payment, the charging of interest shall not be considered a new fee or charge requiring compliance with City Code Section 2-105 such that to the extent that those requirements might have been required, the same are hereby waived.

**SECTION 4:** That this ordinance shall become effective immediately after its adoption and approval by the Mayor or by operation of law.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** AN ORDINANCE TO AMEND SECTION 130-83(a) OF THE CITY'S CODE OF ORDINANCES TO REFLECT THE CURRENT PRACTICE OF ANNUAL BILLING FOR SOLID WASTE SERVICE; TO AUTHORIZE THE ASSESSMENT OF PRORATED SOLID WASTE SERVICE FEES FOR PROPERTIES THAT BEGIN SERVICE SUBSEQUENT TO THE ASSESSMENT OF ANNUAL BILLS; AND FOR OTHER PURPOSES.

**Council Meeting Date:** May 18, 2009

**Requesting Dept.:** Department of Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to amend Section 130-83(a) of the City of Atlanta's Code of Ordinances, Solid Waste Service Charge, to reflect the current practice of annual billing for solid waste service.

**2. Please provide background information regarding this legislation.**

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

**(e) Number of Bids:**

**(f) Proposals Received:**

**(g) Bidders/Proponents:**

**(h) Term of Contract:**

**4. Fund Account Center:**

**5. Source of Funds:**

**6. Fiscal Impact:**

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By:** Soraya Belgrave

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:**

**Caption:**

**Council Meeting Date:**

**Requesting Dept.:**

**FAC Confirmed by:**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

***Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.***

The purpose of this Ordinance is to amend the code of Ordinances Section 130-83 "Solid Waste Management Billing and Collections" to provide for Annual Billing in lieu of quarterly as currently stated in the code and to provide for proration of charges.

**2. Please provide background information regarding this legislation.**

***Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.***

Section 130-83 "Solid Waste Management Billing and Collections" has not been updated to reflect our current billing practices since the billing was taken over by Fulton and Dekalb Counties

**3. If Applicable/Known:**

**(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): N/A**

**(b) Source Selection: N/A**

**(c) Bids/Proposals Due: N/A**

**(d) Invitations Issued: N/A**

- (e) Number of Bids: N/A
- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract: N/A

4. Fund Account Center (*Ex. Name and number*):

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery:

*Examples:*

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: James Swope

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

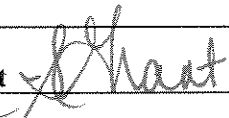
Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: April 28, 2009

Anticipated Committee Meeting Date(s): May 12, 2009

Anticipated Full Council Date: May 18, 2009

Legislative Counsel's Signature: Stefanie Grant 

Commissioner Signature: 

Chief Procurement Officer Signature: \_\_\_\_\_

CAPTION

AN ORDINANCE TO AMEND SECTION 130-83(a)  
OF THE CITY'S CODE OF ORDINANCES TO  
REFLECT THE CURRENT PRACTICE OF ANNUAL  
BILLING FOR SOLID WASTE SERVICE; TO  
AUTHORIZE THE ASSESSMENT OF PRORATED  
SOLID WASTE SERVICE FEES FOR PROPERTIES  
THAT BEGIN SERVICE SUBSEQUENT TO THE  
ASSESSMENT OF ANNUAL BILLS; AND FOR  
OTHER PURPOSES.

Mayor's Staff Only  
-----

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 4/28/09 Amc Reviewed by: 5/3/09 mhp  
(date) (date)

Submitted to Council: \_\_\_\_\_